

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2160*

House Bill No. 2507

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-2-118, is amended by deleting the section in its entirety and substituting instead the following:

Section 17-2-118. (a) If, by reason of illness, physical incapacitation, vacation, or absence from the city or judicial district on a matter related to the judge's judicial office, the judge of a state trial court of record is unable to hold court, such judge shall appoint a substitute judge to hold court, preside and adjudicate.

(b) A substitute judge shall possess all of the qualifications of a judge of the court in which the substitute is appointed.

(c) No substitute judge may be appointed for a period of more than three (3) days provided any such judge appointed pursuant to this section may finish any trial that is commenced during the period of appointment.

(d) A substitute judge appointed pursuant to this section shall have no authority to award fees except those that are statutory.

(e) If the Tennessee supreme court adopts and implements a program or method by which trial lawyers are certified in this state, any substitute judge appointed after the date of such certification program shall be required to be a certified trial lawyer.

(f) A substitute judge shall not preside over a cause without a consent form signed by all litigants who are present at the beginning of the proceeding. Such consent form shall plainly state that the substitute judge has not been duly elected by the citizens of the judicial district or appointed by the governor but has

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been appointed pursuant to this section. Further, the consent form shall include the name of the lawyer appointed as substitute judge, the judge of the court in which such substitute judge is sitting, the date for which the substitute judge was appointed, and the reason for the regular judge's absence. The consent form shall be transmitted and maintained on file for public inspection at the Administrative Office of the Courts in Nashville.

SECTION 2. This act shall take effect on July 1, 1996, the public welfare requiring it.